

(FADECs), the FADECs were shown to comply with the HIRF special conditions. The FAA HIRF requirements have been consistent, and Boeing has been aware of and complied with these requirements for several years.

Boeing further states that the HIRF special condition would effectively deter them from upgrading electronic equipment that incorporates safety and reliability enhancing features. The FAA requirements in the HIRF special condition reflect the need to address a known environmental hazard, recognized by the technical and regulatory community worldwide. Protection against this known environmental hazard is required by FAA for all systems performing functions whose failure would contribute to or cause a catastrophic failure condition that would prevent the continued safe flight and landing of the airplane. This policy applies, regardless of whether the new or significantly changed component, equipment, or system is intended to improve an unrelated safety or reliability issue. Improving one aspect of safety or reliability should not degrade another aspect of safety.

The FAA has consistently applied the requirements in the HIRF special conditions to certification programs for over 12 years, regardless of whether the certification was based on a new airplane type, or a change to an existing airplane. Changing this policy for one model of Boeing airplanes would not be consistent with the FAA policy over the last 12 years. Therefore, special conditions for the 757-300 are adopted as proposed in Notice 25-98-02-SC.

#### Applicability

As discussed above, these special conditions are applicable initially to the Model 757-300 airplane. Should Boeing apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well, under the provisions of § 21.101(a)(1).

#### Conclusion

This action affects certain design features only on the Model 757-300. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on this model.

#### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

#### The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 757-300 series airplanes.

1. *Protection from Unwanted Effects of High-Intensity Radiated Fields (HIRF).* Each electrical and electronic system that performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not adversely affected when the airplane is exposed to high-intensity radiated fields.

2. For the purpose of this special condition, the following definition applies:

*Critical Functions.* Functions whose failure would contribute to or cause a failure condition that would prevent the continued safe flight and landing of the airplane.

Issued in Renton, Washington, on July 7, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-18857 Filed 7-14-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-41-AD; Amendment 39-10651; AD 98-15-01]

RIN 2120-AA64

#### **Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain EMBRAER Model EMB-145 series airplanes, that requires a one-time inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment; and cleaning the tubes or replacing drain tubes with new tubes, if necessary. This amendment also requires modification of the pitot/static system. This amendment is prompted by issuance of mandatory continuing

airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct bulging and cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment caused by cycles of water freezing and expanding inside the tubes, which could result in erroneous airspeed indications to the flight crew and reduced operational safety in all phases of flight.

**DATES:** Effective August 19, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 19, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Neil Berryman, Aerospace Engineer, Systems and Flight Test Branch, ACE-116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30337-2748; telephone (770) 703-6066; fax (770) 703-6097.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB-145 series airplanes was published in the **Federal Register** on April 8, 1998 (63 FR 17130). That action proposed to require a one-time inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment; and cleaning the tubes or replacing drain tubes with new tubes, if necessary. That action also proposed modification of the pitot/static system.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

### Request to Provide Option for Compliance With Inspection

One commenter suggests that clarification should be added to paragraph (b) of the proposed AD to specify that if operators have accomplished the actions described in EMBRAER Service Bulletin 145-34-0008, it is no longer necessary to accomplish the one-time visual inspection described in EMBRAER Service Bulletin 145-34-0010, as required by paragraph (a) of the proposed AD. The commenter states that EMBRAER Service Bulletin 145-34-0008 accomplishes the same system check as that specified in EMBRAER Service Bulletin 145-34-0010 and, in addition, replaces the problem lines.

The FAA agrees that accomplishment of the actions specified in EMBRAER Service Bulletin 145-34-0008, dated September 10, 1997, would eliminate the need to accomplish the one-time visual inspection described in EMBRAER Service Bulletin 145-34-0010, Change 01, dated September 25, 1997. A new paragraph (c) has been added to this final rule to remove the requirement to accomplish paragraph (a) if the action required by paragraph (b) has been accomplished prior to the effective date of this AD, or is accomplished within the compliance time specified in paragraph (a).

### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

### Cost Impact

The FAA estimates that 15 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be \$1,800, or \$120 per airplane.

In addition, it will take approximately 2 work hours per airplane to accomplish the modification required by this AD, at an average labor rate of \$60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification required

by this AD on U.S. operators is estimated to be \$1,800, or \$120 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

### Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

#### 98-15-01 Empresa Brasileira de Aeronautica, S.A. (EMBRAER): Amendment 39-10651. Docket 98-NM-41-AD.

**Applicability:** Model EMB-145 series airplanes, serial numbers 145004 through 145028 inclusive; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To detect and correct bulging and cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment, which could result in erroneous airspeed indications to the flight crew and reduced operational safety in all phases of flight, accomplish the following:

(a) Except as provided by paragraph (c) of this AD, within 50 hours time-in-service after the effective date of this AD, perform a one-time visual inspection to detect bulging or cracking of the pitot 1 and pitot 2 drain tubes in the forward electronic compartment, in accordance with EMBRAER Service Bulletin 145-34-0010, Change 01, dated September 25, 1997.

(1) If no bulging or cracking is detected, prior to further flight, clean the pitot tubes in accordance with the service bulletin.

(2) If any bulging or cracking is detected in any drain tube, prior to further flight, replace the pitot drain tube with a new tube in accordance with the service bulletin.

**Note 2:** Accomplishment of the visual inspection, cleaning, or replacement of the pitot 1 and pitot 2 drain tubes prior to the effective date of this AD in accordance with EMBRAER Service Bulletin 145-34-0010, dated July 25, 1997, is considered acceptable for compliance with the applicable action specified by paragraph (a) of this AD.

(b) Within 400 hours time-in-service after the effective date of this AD: Modify the pitot/static system in accordance with EMBRAER Service Bulletin 145-34-0008, dated September 10, 1997.

(c) For airplanes on which the modification required by paragraph (b) of this AD has been accomplished prior to the effective date of this AD, or is accomplished within the compliance time specified in paragraph (a) of this AD (i.e., within 50 hours time-in-service after the effective date of this AD), the one-

time visual inspection specified in paragraph (a) of this AD is not required.

(d) As of the effective date of this AD, no person shall install a pitot/static system on any airplane, unless it has been modified in accordance with EMBRAER Service Bulletin 145-34-0008, dated September 10, 1997.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta

Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The actions shall be done in accordance with the following EMBRAER service bulletins, which contain the specified list of effective pages:

Service bulletin referenced and date	Page number shown on page	Revision level shown on page	Date shown on page
145-34-0010, Change 01, September 25, 1997 .....	1, 2 3-9	1 ..... Original .....	September 25, 1997. July 25, 1997.
145-34-0008, September 10, 1997 .....	1-22	Original .....	September 10, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in Brazilian airworthiness directive 97-07-12R1, dated November 3, 1997.

(h) This amendment becomes effective on August 19, 1998.

Issued in Renton, Washington, on July 6, 1998.

**John J. Hickey,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98-18470 Filed 7-14-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 98-NM-87-AD; Amendment 39-10656; AD 98-15-05]

RIN 2120-AA64

#### Airworthiness Directives; British Aerospace Model BAe 146-200A Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-200A series airplanes,

that requires a one-time inspection of the gust damper of the elevator control system to determine if the gust damper is properly charged, and of the horizontal stabilizer to detect cracking of elevator hinge rib 1; and corrective action, if necessary. This amendment is prompted by the issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to detect and correct cracking of elevator hinge rib 1 of the horizontal stabilizer, which could occur if the gust damper of the elevator control system discharges and allows the elevator to move freely in ground gust conditions. Such cracking could result in damage to the structural attachment of the elevator to the horizontal stabilizer, and consequent reduced controllability of the airplane.

**DATES:** Effective August 19, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 19, 1998.

**ADDRESSES:** The service information referenced in this AD may be obtained from AI(R) American Support, Inc., 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal

Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain British Aerospace Model BAe 146-200A series airplanes was published in the **Federal Register** on April 16, 1998 (63 FR 18852). That action proposed to require a one-time inspection of the gust damper of the elevator control system to determine if the gust damper is properly charged, and of the horizontal stabilizer to detect cracking of elevator hinge rib 1; and corrective action, if necessary.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

#### Request To Revise Cost Information

One commenter, the manufacturer, advises that the cost information provided in the proposed AD contains an error. The commenter states that the number of BAe 146-200A series airplanes of U.S. registry that would be affected by the AD is 5, rather than 19, as stated in the proposed AD. The FAA concurs with the commenter. The cost impact information, below, has been revised to reflect the correct number of affected airplanes on the U.S. register.

#### Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### Cost Impact

The FAA estimates that 5 British Aerospace Model BAe 146-200A series